

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MANUEL TORRES TAMAYO, JR., No. C 08-3768 PJH (PR)

**Plaintiff,**

#### **ORDER OF PRIORITY:**

v.

MIKE EVANS,

**Defendant.**

This is a civil rights action filed pro se by a prisoner. The court notified plaintiff that his application to proceed in forma pauperis ("IFP") was deficient because he had failed to complete page five of the form, the "Certificate of Funds in Inmate Account," and did not include a copy of his prisoner trust account statement as required by 28 U.S.C. § 1915(a)(2). Plaintiff was informed that the case would be dismissed if he did not either pay the fee or remedy the IFP deficiency within thirty days.

In response plaintiff has written saying that he has "complied with the \$5.00 filing fee." The fee for this civil rights case is \$350, and in any event no payment of any size has been received on this case. He also contends that he has submitted "every[thing] necessary," apparently declining to act further to remedy the deficiencies. This interpretation is confirmed by his statement that he wants his "civil complaint filed now or dropped."

Because plaintiff has refused to remedy the IFP deficiency, leave to proceed in forma pauperis (document number 2 on the docket) is **DENIED**. This case is **DISMISSED** without prejudice. See Fed. R.Civ.P. 41(b). The clerk shall close this file.

# IT IS SO ORDERED.

Dated: August 22, 2008.



PHYLLIS J. HAMILTON  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MANUEL TORRES TAMAYO JR,

Case Number: CV08-03768 PJH

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

MIKE EVANS et al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Manuel Tamayo Torres V-12118  
Salinas Valley State Prison  
A5-142  
P.O. Box 1050  
Soledad, CA 93960

Dated: August 22, 2008



Richard W. Wiking, Clerk  
By: Nichole Heuerman, Deputy Clerk